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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERBERT H. KLIEGERMAN, on behalf of
himself and others similarly situated,

Plaintiff,

against

APPLE, INC.

Defendant.

07 CV 8404 (PKC)

STIPULATION EXTENDING TIME TO
APPEAR, ANSWER, MOVE OR OTHERWISE
RESPOND

WHEREAS, Pursuant to stipulation dated October 1, 2007 and so ordered by the Court on October 4, 2007, the date for Defendant Apple, Inc. ("Apple") to appear, answer, move or otherwise respond to Plaintiff's Complaint is October 26, 2007; and

WHEREAS, Plaintiff intends to amend its Complaint but has not yet done so;

IT IS HEREBY STIPULATED AND AGREED by the undersigned counsel for the respective parties hereto as follows:

1. Plaintiff will file and serve its Amended Complaint on November 16, 2007;
2. The time for Apple to appear, answer, move, or otherwise respond to Plaintiff's Amended Complaint, shall be extended to December 13, 2007;
3. If Apple moves to dismiss Plaintiff's Amended Complaint, Plaintiff's opposition to Apple's motion to dismiss shall be due on January 11, 2008 and Apple's reply brief in support of its motion to dismiss shall be due on February 1, 2008;
4. This is the second request for an extension of time.

Dated: October 25, 2007

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So Ordered: 

P. Kevin Castel
United States District Judge

10-25-07